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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/816,789

**Applicant(s)**

ABANAMI ET AL.

**Examiner**

SANGWOO AHN

**Art Unit**

2166

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 2, 4, 6 - 27 and 29 - 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 2, 4, 6 - 27 and 29 - 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

Claims 1 – 2, 4, 6 – 27 and 29 – 36 are pending in the present application.

Claims 1, 4, 12, 19 and 31 have been amended.

Claims 3, 5 and 28 have been canceled.

### *Response to Arguments*

**Applicant's arguments with respect to the features of “determining a storage capacity” and “storage requirements of the designated tier ... are less than or equal to the storage capacity” have been considered but are moot in view of the new ground(s) of rejection.**

**Applicant's arguments have been fully considered but they are not persuasive.**

Applicant mainly argued the following points:

1. Hurwitz does not disclose “dividing the collection into multiple tiers of digital items”.
2. Hurwitz does not disclose “each tier is a subset of the collection and the items in each tier have like priorities”.
3. Hurwitz does not disclose “designating at least one of the tiers of sorted digital items with highest priority”.

Examiner respectfully traverses the arguments for the following reasons:

1. Hurwitz clearly discloses "dividing the collection [of digital items] into multiple tiers of digital items" in paragraph 15 (the collection of digital items could be the e-mails of all types, and the multiple tiers of these e-mails may comprise unopened e-mail, new e-mail, e-mail from specific users, e-mail containing no attachments, internal company e-mail, e-mail from a given domain, etc.).

2. Hurwitz clearly discloses "each tier is a subset of the collection and the items in each tier have like priorities" in paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (the multiple tiers of the emails have different priority levels, for example, internal company e-mails could be set to a lowest relative priority level while other types of emails have higher or lower priority levels).

3. Hurwitz clearly discloses "designating at least one of the tiers of sorted digital items with highest priority" in paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (for example, if a calendar application is used the most, then the calendar-related synchronization tasks may have the highest priority, specified either implicitly by the system or explicitly by the user; one particular tier of the multiple tiers may be set to highest priority).

For the foregoing reasons, the rejections of the aforementioned limitations are proper.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 27 and 29 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication Number 2005/0147130 issued to Hurwitz et al. (hereinafter “Hurwitz”).**

Regarding claim 27, Hurwitz discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, produce a user-interface (UI), the UI comprising:

a first display area illustrating a listing of one or more digital items from a collection of digital items stored on a source device, the collection being divided into multiple tiers (paragraph 15 (the collection of digital items could be the e-mails of all types, and the multiple tiers of these e-mails may comprise unopened e-mail, new e-mail, e-mail from specific users, e-mail containing no attachments, internal company e-mail, e-mail from a given domain, etc.)), wherein each tier is a subset of the collection and the items in each tier have like priorities (paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (the multiple tiers of the emails have different priority levels, for example, internal company e-mails could be set to a lowest relative priority level while other types of emails have higher or lower priority levels)) for synchronization with a target device coupled to the source device and one of the tiers having the highest priority amongst the multiple tiers (paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (for example, if a calendar application is used the most, then the calendar-related synchronization tasks may have the highest priority, specified

either implicitly by the system or explicitly by the user; one particular tier of the multiple tiers may be set to highest priority));

a second display area illustrating a user-configurable priority corresponding to the one or more digital items in the listing (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 29, Hurwitz discloses,

digital items are audio, image, or video files (paragraphs 1 and 9, et seq.).

Regarding claim 30, Hurwitz discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (paragraphs 1 and 9, et seq.).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 2, 4, 6 – 27 and 31 – 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwitz in view of U.S. Publication Number 2003/0079038 issued to Robbin et al. (hereinafter “Robbin”).**

Regarding claim 1, Hurwitz discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, performs acts comprising:

sorting a collection of digital items stored on a source device and dividing the collection into multiple tiers of digital items (paragraph 15 (the collection of digital items could be the e-mails of all types, and the multiple tiers of these e-mails may comprise unopened e-mail, new e-mail, e-mail from specific users, e-mail containing no attachments, internal company e-mail, e-mail from a given domain, etc.)), wherein each tier is a subset of the collection and the items in each tier have like priorities and the priority of items in one tier differs from the priority of items in the other tiers (paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (the multiple tiers of the emails have different priority levels, for example, internal company e-mails could be set to a lowest relative priority level while other types of emails have higher or lower priority levels)), the sorting being based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

designating one of the tiers of sorted digital items with highest priority for synchronization with the target device coupled to the source device (paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (for example, if a calendar application is used the most, then the calendar-related synchronization tasks may have the highest priority, specified either implicitly by the system or explicitly by the user; one particular tier of the multiple tiers may be set to highest priority));

synchronizing the designated tier of digital items with the coupled target device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Hurwitz does not explicitly disclose,  
determining a storage capacity of a target device coupled to a source device; and  
the storage requirements of the designated tier of digital items are less than or  
equal to the storage capacity of the target device.

However, Robbin discloses determining a storage capacity of a target device  
coupled to a source device (paragraph 55 lines 1 – 4: determines whether the media  
device has the capacity to store all the identified media items, determined whether the  
media device has sufficient storage capacity, et seq.); and the storage requirements of  
the designated tier of digital items are less than or equal to the storage capacity of the  
target device paragraph (paragraph 55 lines 6 - 9: when the decision determines that  
the media device does not have sufficient capacity, then the number of media items to  
be stored is limited, paragraph 56 lines 1 - 4: when the decision determines the media  
device has sufficient capacity, the identified media items are sent to the media device,  
et seq.).

At the time of the present invention, it would have been obvious to a person of  
ordinary skill in the data processing art to modify Hurwitz' priority based synchronization  
method to incorporate Robbin's method of determining storage capacity, thus enabling  
improved techniques for synchronizing and managing media items on host computers  
and media devices, by organizing, prioritizing and limiting transmission of media items  
based on the storage capacity of the host device. The combination would have  
provided the user easier and faster media synchronization between devices.

Regarding claim 2, Hurwitz discloses,



providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (Figure 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 4, Robbins discloses,  
the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device ((paragraph 55 lines 6 - 9: when the decision determines that the media device does not have sufficient capacity, then the number of media items to be stored is limited, et seq.).

Regarding claim 6, Hurwitz discloses,  
the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated tier of digital items for synchronization (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 7, Hurwitz discloses,  
the synchronizing further comprises transferring from the source device a digital item which is part of the designated tier of digital items for synchronization but not already stored on the target device (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will

add, change, or delete the same file at the other location.” Wikipedia,  
[http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 8, Hurwitz discloses,

digital items are audio, image, or video files (paragraphs 1 and 9, et seq.).

Regarding claim 9, Hurwitz discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (paragraphs 1 and 9, et seq.).

Claims 10 – 11 are rejected based on the same rationale discussed in claim 1 rejection and Figure 1, et seq.

Regarding claim 12, Hurwitz discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, produce a user-interface (UI), the UI comprising:

a first display area illustrating a listing of one or more digital items from a collection of digital items stored on a source device, the collection being divided into multiple tiers (paragraph 15 (the collection of digital items could be the e-mails of all types, and the multiple tiers of these e-mails may comprise unopened e-mail, new e-mail, e-mail from specific users, e-mail containing no attachments, internal company e-mail, e-mail from a given domain, etc.)), wherein each tier is a subset of the collection and the items in each tier have like properties for synchronization with a target device coupled to the source device (paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (the multiple tiers of the emails have different priority levels, for example, internal company e-mails could be set to a lowest relative priority level while

other types of emails have higher or lower priority levels)) and one of the tiers having the highest priority amongst the multiple tiers (paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (for example, if a calendar application is used the most, then the calendar-related synchronization tasks may have the highest priority, specified either implicitly by the system or explicitly by the user; one particular tier of the multiple tiers may be set to highest priority));

a second display area illustrating a user-configurable priority corresponding to the one or more digital items in the listing (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

an executable process associated with the one or more digital items in the listing that is configured to:

designate the tier with highest priority (paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (for example, if a calendar application is used the most, then the calendar-related synchronization tasks may have the highest priority, specified either implicitly by the system or explicitly by the user; one particular tier of the multiple tiers may be set to highest priority));

synchronize the designated tier of digital items with the coupled target device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Hurwitz does not explicitly disclose,

determining a storage capacity of the target device; and

the storage requirements of the designated tier of digital items are less than or equal to the storage capacity of the target device.

However, Robbin discloses determining a storage capacity of the target device (paragraph 55 lines 1 – 4: determines whether the media device has the capacity to store all the identified media items, determined whether the media device has sufficient storage capacity, et seq.); and the storage requirements of the designated tier of digital items are less than or equal to the storage capacity of the target device paragraph (paragraph 55 lines 6 - 9: when the decision determines that the media device does not have sufficient capacity, then the number of media items to be stored is limited, paragraph 56 lines 1 - 4: when the decision determines the media device has sufficient capacity, the identified media items are sent to the media device, et seq.).

At the time of the present invention, it would have been obvious to a person of ordinary skill in the data processing art to modify Hurwitz' priority based synchronization method to incorporate Robbin's method of determining storage capacity, thus enabling improved techniques for synchronizing and managing media items on host computers and media devices, by organizing, prioritizing and limiting transmission of media items based on the storage capacity of the host device. The combination would have provided the user easier and faster media synchronization between devices.

Regarding claim 13, Robbins discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device ((paragraph 55 lines 6 - 9: when the

decision determines that the media device does not have sufficient capacity, then the number of media items to be stored is limited, et seq.).

Regarding claim 14, Hurwitz discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (Figures 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 15, Hurwitz discloses,

the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated tier of digital items for synchronization (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 16, Hurwitz discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated tier of digital items for synchronization but not already stored on the target device (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 17, Hurwitz discloses,

digital items are audio, image, or video files (paragraphs 1 and 9, et seq.).

Regarding claim 18, Hurwitz discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (paragraphs 1 and 9, et seq.).

Regarding claim 19, Hurwitz discloses,

A method comprising:

sorting a collection of digital items stored on a source device coupled to the target device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.);

dividing the sorted collection into multiple groups of digital items (paragraph 15 (the collection of digital items could be the e-mails of all types, and the multiple tiers of these e-mails may comprise unopened e-mail, new e-mail, e-mail from specific users, e-mail containing no attachments, internal company e-mail, e-mail from a given domain, etc.)), wherein the items in each group have like priorities and the priority of items in one group differ from the priority of items in the other groups (paragraph 14 lines 7 - 8 (user specified order of priority) and paragraph 15 (the multiple tiers of the emails have different priority levels, for example, internal company e-mails could be set to a lowest relative priority level while other types of emails have higher or lower priority levels)), the sorting being based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (paragraph 14 lines 7 - 8 (user specified order of priority), et seq.);

designating one of the groups of sorted digital items with highest priority for synchronization with the target device (paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (for example, if a calendar application is used the most, then the calendar-related synchronization tasks may have the highest priority, specified either implicitly by the system or explicitly by the user; one particular tier of the multiple tiers may be set to highest priority));

synchronizing the designated group of digital items with the coupled target device (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Hurwitz does not explicitly disclose,  
determining a storage capacity of a target device; and  
the storage requirements of the designated tier of digital items are less than or equal to the storage capacity of the target device.

However, Robbin discloses determining a storage capacity of a target device (paragraph 55 lines 1 – 4: determines whether the media device has the capacity to store all the identified media items, determined whether the media device has sufficient storage capacity, et seq.); and the storage requirements of the designated tier of digital items are less than or equal to the storage capacity of the target device paragraph (paragraph 55 lines 6 - 9: when the decision determines that the media device does not have sufficient capacity, then the number of media items to be stored is limited, paragraph 56 lines 1 - 4: when the decision determines the media device has sufficient capacity, the identified media items are sent to the media device, et seq.).

At the time of the present invention, it would have been obvious to a person of ordinary skill in the data processing art to modify Hurwitz' priority based synchronization method to incorporate Robbin's method of determining storage capacity, thus enabling improved techniques for synchronizing and managing media items on host computers and media devices, by organizing, prioritizing and limiting transmission of media items based on the storage capacity of the host device. The combination would have provided the user easier and faster media synchronization between devices.

Regarding claim 20, Hurwitz discloses,

providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (Figure 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 21, Robbins discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device ((paragraph 55 lines 6 - 9: when the decision determines that the media device does not have sufficient capacity, then the number of media items to be stored is limited, et seq.).

Regarding claim 22, Hurwitz discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (Figure 3, paragraph 9 lines 3 - 6, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 23, Hurwitz discloses,



the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 24, Hurwitz discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Regarding claim 25, Hurwitz discloses,

digital items are audio, image, or video files (paragraphs 1 and 9, et seq.).

Regarding claim 26, Hurwitz discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (paragraphs 1 and 9, et seq.).

Regarding claim 31, Hurwitz discloses,

A system comprising:

a sorting-and-dividing means for sorting a collection of digital items stored on the source device and dividing the collection into multiple groups of digital items (paragraph 15 (the collection of digital items could be the e-mails of all types, and the multiple tiers of these e-mails may comprise unopened e-mail, new e-mail, e-mail from specific users, e-mail containing no attachments, internal company e-mail, e-mail from a given domain, etc.)), wherein the items in each group have like priorities and the priority of items in one group differ from the priority of items in the other groups (paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (the multiple tiers of the emails have different priority levels, for example, internal company e-mails could be set to a lowest relative priority level while other types of emails have higher or lower priority levels)), the sorting being based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (paragraph 14 lines 7 – 8 (user specified order of priority), et seq.);

a designating means for designating one of the groups of sorted digital items with highest priority for synchronization with the target device (paragraph 14 lines 7 – 8 (user specified order of priority) and paragraph 15 (for example, if a calendar application is used the most, then the calendar-related synchronization tasks may have the highest priority, specified either implicitly by the system or explicitly by the user; one particular tier of the multiple tiers may be set to highest priority), et seq.);

a synchronizing means for directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization and for transferring from the source device a digital item which is part of the designated

group of digital items for synchronization but not already stored on the target device (synchronization in computing essentially means "the process of making sure that two or more locations contain the same up-to-date files ... If you add, change, or delete a file from one location, the synchronization process will add, change, or delete the same file at the other location." Wikipedia, [http://en.wikipedia.org/wiki/File\\_synchronization](http://en.wikipedia.org/wiki/File_synchronization)).

Hurwitz does not explicitly disclose,  
determining a storage capacity of a target device coupled to a source device; and  
the storage requirements of the designated tier of digital items are less than or equal to the storage capacity of the target device.

However, Robbin discloses determining a storage capacity of a target device coupled to a source device (paragraph 55 lines 1 – 4: determines whether the media device has the capacity to store all the identified media items, determined whether the media device has sufficient storage capacity, et seq.); and the storage requirements of the designated tier of digital items are less than or equal to the storage capacity of the target device paragraph (paragraph 55 lines 6 - 9: when the decision determines that the media device does not have sufficient capacity, then the number of media items to be stored is limited, paragraph 56 lines 1 - 4: when the decision determines the media device has sufficient capacity, the identified media items are sent to the media device, et seq.).

At the time of the present invention, it would have been obvious to a person of ordinary skill in the data processing art to modify Hurwitz' priority based synchronization method to incorporate Robbin's method of determining storage capacity, thus enabling

improved techniques for synchronizing and managing media items on host computers and media devices, by organizing, prioritizing and limiting transmission of media items based on the storage capacity of the host device. The combination would have provided the user easier and faster media synchronization between devices.

Regarding claim 32, Hurwitz discloses,

providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (Figure 3, paragraph 9 lines 3 - 6, paragraph 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 33, Robbins discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device ((paragraph 55 lines 6 - 9: when the decision determines that the media device does not have sufficient capacity, then the number of media items to be stored is limited, et seq.).

Regarding claim 34, Hurwitz discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (Figures 1 and 3, paragraph 9 lines 3 - 6, paragraphs 12, paragraph 13 lines 1 - 3, paragraph 14, paragraph 17, et seq.).

Regarding claim 35, Hurwitz discloses,

digital items are audio, image, or video files (paragraphs 1 and 9, et seq.).

Regarding claim 36, Hurwitz discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (paragraphs 1 and 9, et seq.).

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANGWOO AHN whose telephone number is (571)272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8/21/2008  
/S. A./  
Examiner, Art Unit 2166

/Tim T. Vo/  
Supervisory Patent Examiner, Art Unit 2168

